

In the High Court of Judicature at Madras

Dated: 24/09/2003

Coram:

THE HON'BLE MR.B.SUBHASHAN REDDY, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE A.KULASEKARAN

W.P.M.P.No.15033 of 2003
and W.P.M.P.Nos. 25231, 22928, 22929, 9248, 28677, 27588, 26100, 29051,
29052, 28880 and 28919 of 2003

In

W.P.Nos.11987, 20203, 18344, 18345, 7171, 22283,
21010, 23518, 23385, 23410 of 2003

:ORDER

(The Order of the Court was made by The Hon'ble The Chief Justice)

This batch of cases concerns about the plight of the farmers craving for water to irrigate their fields. Of course, the lands, which are already ayacut, are entitled for water, but subject only to availability. The Rain God had not been very kind to il Nadu. Of course, there are some rains, but that is not proved to be sufficient to increase the water level in the source. Already, there is a dispute interstate on the ground that upper riparian States are not releasing sufficient water. That is a que stion apart in these writ petitions. Now, the fight is interse the ayacutars starting from Erode and ending with Tanjore and even beyond. While the ayacut area is in the extent of some lakhs of acres, the water storage level is minimal and is alarming. O ld ayacut comprises of Thadapalli Channel with 17654 acres, Arakkankottai Channel with 6850 acres and Kalingarayan Channel with 15743 acres. The L.B.P. Main Canal consists of first and second zone with 1,03,500 acres each. The above ayacuts make a total o f 2,47,247 acres. Lower Cauvery Delta further adds to the above figure.

2. Even last year there was a problem and it persists this year too. Insofar as, L.B.P. Canal ayacut is concerned, it is divided into first zone and second zone, as mentioned above and water was being released by rotation system terming them as 'even tur n sluices' and 'odd turn sluices'. There cannot be any rotation supply this year for irrigation purposes, because of paucity of water.

3. According to the affidavit sworn by the concerned officer, who is the irrigation officer, there are standing crops to the extent of 10,000 acres in the old ayacut of Thadapalli Channel, Arakkankottai Channel and Kalingarayan Channel. The split up figu res are hereunder;

- (a) Thadapalli Channel : 3800 acres
- (b) Arakkankottai Channel : 1200 acres
- (c) Kalingarayan Channel : 5000 acres

Total 10000 acres

Insofar as L.B.P. Canal is concerned, it is stated that there are coconut trees, punjai crops on an extent of 40,000 acres. This is a clear-cut fact situation and there is no material to contradict.

4. Wars have been fought by the Monarchies in olden days and in later years some democratic countries have fought wars. Those wars are for different reasons, but this war is for water. As predicted by experts, the water wars have already begun, and as so manifest in the Court when several learned counsel appearing for the ryots, claiming priority over another, in getting water from the Government sources for irrigating lands. But water is scarce. The priority for irrigation and steps to be taken in future including a permanent Scheme will have to be worked out while hearing the writ petitions, as the water war is going to be perennial, even if there is good rainfall in future. There are, of course, rules framed, but they are not sufficient to meet the present situation. With contemporaneous needs, there is a need to change the yardsticks. But all the above is only relating to irrigation. Immediate attention has to be given to drinking water facility, as that comes first as compared to irrigation. While in irrigation, the priorities have to be worked out having regard to the origin of the source of irrigation including the introduction of rotation system for the entire ayacut under the Bhavanit Project, even the tailend areas of Cauvery Delta, but in drinking water supply such priorities are unknown. Ayacut has got no relevance in the supply of drinking water. The water is the first necessity of the human being and that has to be supplied to all the persons residing all along the belt, right from Erode to the end of south and extending to such number of persons as far as possible. The water storage in the dam as on 24.8.2003 was 4592 M.cft. By this day there is little improvement and it is 5249 M.cft. But, requirement for irrigation purposes runs to more than 20,000 M.cft, and we can take judicial notice of the fact that some lands scattered here and there cannot be chosen for irrigation because of the problems of impounding of water. We are also alive to the situation that there are more parched mouths to be made wet and for that purpose conclude that having regard to the present quantity of storage of water, there is absolutely no possibility of catering water for irrigation purposes and the entire water, which is available has to be preserved for drinking purposes. Hence, we order that water in storage in Bhavani Sagar Dam shall be released only for drinking purposes. Of course, the situation can be reviewed by this Court, if there is rapid increase in the inflow, resulting in more storage of water. Till then, the following order shall be given effect to;

- (i) the water from Bhavani Sagar Dam shall be utilized only for drinking purposes and not for irrigation purposes;
- (ii) no impounding of water shall be allowed by any person and strict measures shall be taken by the irrigation officials and staff to see that neither there is impounding nor any pilferage of water;
- (iii) the water shall be released through sluices right at the beginning in Erode to the tailend beyond Tanjore and only for drinking purposes.

With the above directions all the W.P.M.Ps. are disposed of.

Internet: Yes.

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